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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,  
8 Plaintiff,

9 -vs-

10 NATIVIDAD MESSINA-GONZALEZ,  
11 Defendant.

NO. CR-12-2004-WFN-1

ORDER

12  
13 A pretrial conference and motion hearing was held June 18, 2012. The Defendant, who  
14 is in custody, was present and represented by Nicholas Marchi and assisted by  
15 Court-appointed interpreter Estela Castro; Assistant United States Attorney Alison Gregoire  
16 represented the Government.

17 The Court heard argument and reserved ruling on Defendant's Motion to Dismiss  
18 Indictment (ECF No. 37). Upon further reflection the Court denies Defendant's Motion  
19 because Defendant was never eligible for relief thus suffered no prejudice.

20 The Court has reviewed the file and Motion and is fully informed. This Order is  
21 entered to memorialize and supplement the oral rulings of the Court. Accordingly,

22 **IT IS ORDERED** that:

23 1. Defendant's Motion to Dismiss Indictment, filed June 7, 2012, **ECF No. 37**, is  
24 **DENIED**.

25 2. The trial date of June 25, 2012, is **STRICKEN and RESET to July 23, 2012, at**  
26 **10:00 a.m., in Yakima**, Washington, which is within Defendant's speedy trial time.

1           3. The June 25, 2012 final pretrial conference and motion hearing is **STRICKEN and**  
2 **RESET to July 23, 2012, at 9:00 a.m., in Yakima, Washington.**

3           4. Trial briefs, motions in limine, requested voir dire and a set of proposed **JOINT**  
4 **JURY INSTRUCTIONS** shall be filed and served on or before **July 10, 2012.**

5           Jury instructions should only address issues that are unique to this case, and shall  
6 include instructions regarding the elements of each claim, any necessary definitions and a  
7 proposed verdict form.

8           The Joint Proposed Jury Instructions shall include:

9           (a) The instructions on which the parties agree; and

10           (b) Copies of instructions that are disputed (i.e., a copy of each party's proposed  
11 version of an instruction upon which they do not agree). All jury instructions from the most  
12 current edition of the Ninth Circuit Manual of Model Jury Instructions may be proposed by  
13 number. The submission of the Joint Proposed Jury Instructions will satisfy the requirements  
14 of LR 51.1(c).

15           Each party shall address any objections they have to instructions proposed by any  
16 other party in a memorandum. The parties shall identify the specific portion of any proposed  
17 instruction to which they object and shall elaborate the basis for the objection. Objections  
18 asserting that an instruction sets forth an incorrect statement of law shall describe the legal  
19 authority that supports this objection. Failure to file an objection and supporting argument  
20 may be construed as consent to the adoption of an instruction proposed by another party.

21           5. The parties are requested to submit courtesy copies of witness and exhibit lists to  
22 the Court no later than **12:00 noon the Thursday before trial.**

23           6. An additional pretrial conference and motion hearing shall be held **July 9, 2012,**  
24 **at 11:30 a.m., in Yakima, Washington.**

25           The District Court Executive is directed to file this Order and provide copies to  
26 counsel.

s/ Wm. Fremming Nielsen  
WM. FREMMING NIELSEN  
SENIOR UNITED STATES DISTRICT JUDGE